

REMARKS/ARGUMENTS

Claims 1-7, 9-10 and 12-14 are pending in the application; although the final rejection states in Box 4a of the Office Action Summary (PTOL-326) that claims 3-7 and 9-10 are withdrawn from consideration, such a withdrawal of those claims is not understood. Moreover, the Examiner has given no reasons why such claims are deemed to have been withdrawn. Reconsideration on the merits of claims 3-7 and 9-10 is therefore respectfully requested.

Claims 1-2 and 12-13 stand rejected under 35 USC 102(b) as being anticipated by Klein et al. for the reasons of record. In response, applicant points out that Examples 1 and 2 of Klein couple an affinity ligand to a functional group that is in turn ultimately attached to a microporous membrane, but accomplishes such a coupling in three or four steps.

Specifically, in Example 1, cellulose fiber membranes are first reacted with carbodiimidazole (CDI) to form a product having an urethane link to the cellulose; the structure of this product is shown at column 7, lines 12-20. In a second step, the product from the first step is reacted with 1,6-diaminohexane to produce a cellulosic fiber membrane having a “leash” containing a functional group. In a third step the “leash”- containing cellulosic membrane is rinsed with buffer and deionized water, and in a fourth step the “leash”- containing membrane is reacted with Neutrase enzyme to couple that affinity ligand (the enzyme) to the “leash.” See column 10, line 66 through column 11, line 10. The Neutrase enzyme has an affinity for whey and the modules in which the Neutrase enzyme-containing affinity ligand membranes were placed “were then assayed for enzyme activity with a whey solution.” Column 11, lines 10-11.

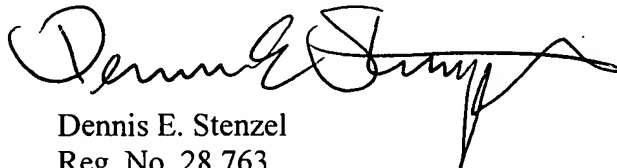
As to Example 2, the first step is the same as Example 1. The second step is reaction with aminocaproic acid to produce the “leashed” membrane, followed by a third step of attaching an N-hydroxysuccinimide group onto the end of the “leash.” After this attachment, trypsin and chymotrypsin are attached in a fourth step. See Column 11, lines 16-21.

By way of contrast, claim 1 has been amended to recite that the claimed membrane is prepared by a method “consisting essentially of,” in pertinent part, steps (b) and (c), which amount to two steps to accomplish the coupling of an affinity ligand.

Claims 1-2 and claims 12-14 stand rejected under 35 USC 103(a) as unpatentable over Klein as applied in the anticipation rejection of claims 1-2 and 12-13 and further in view of the new rationale that it would be obvious to add more than one membrane in the filtration housing. In response, applicant relies on the same argument outlined above, namely, that the claimed membrane is prepared by a two-step coupling reaction, as opposed to the three or four steps required by Klein.

Entry of the foregoing amendment is respectfully requested on the grounds that it raises no new issue and raises no issue of new matter and further that the amendment will place the claims in better condition for consideration on appeal.

Respectfully submitted,

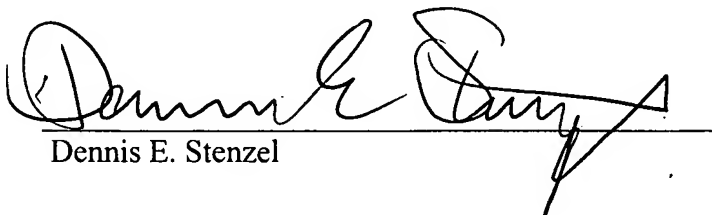
A handwritten signature in black ink, appearing to read "Dennis E. Stenzel", with a stylized flourish at the end.

Dennis E. Stenzel
Reg. No. 28,763
Of Attorneys for Applicant
Tel: (503) 227-5631

CERTIFICATE OF MAILING

I hereby certify that this AMENDMENT UNDER 37 CFR 1.116 – EXPEDITED is being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to: Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

3/25/08
Date


Dennis E. Stenzel